

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KENNETH MONDAY, III,

Plaintiff,

CASE NO. 08-11753

HON. LAWRENCE P. ZATKOFF

v.

RELIABLE TRANSPORTATION SPECIALISTS, INC.,

Defendant.

ORDER DISMISSING PLAINTIFF'S STATE-LAW CLAIM

Plaintiff filed his Complaint on April 25, 2008. Plaintiff's Complaint contains the following four counts:

- | | |
|-----------|---|
| Count I | Violations of the Family Medical Leave Act, 29 U.S.C. § 2601—Failure to Designate Leave as FMLA Qualifying and to Give Notice of Designation to Employee; |
| Count II | Violations of the Family Medical Leave Act, 29 U.S.C. § 2601—Interference with Rights; |
| Count III | Violations of the Family Medical Leave Act, 29 U.S.C. § 2601—Retaliation; and |
| Count IV | Fraudulent Misrepresentation—Detrimental Reliance. |

The Court has subject-matter jurisdiction over Counts I–III because they arise under federal law. 28 U.S.C. § 1331. Count IV, however, is based on state law. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are “compelling reasons for declining jurisdiction.” *Id.* § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state-law claim in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claim for relief will result in the undue confusion of the jury. *See id.*; *see*

also Padilla v. City of Saginaw, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state-law claim (Count IV) is hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claims (Counts I–III).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: May 12, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 12, 2008.

s/Marie E. Verlinde
Case Manager
(810) 984-3290